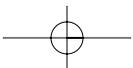
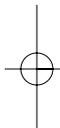
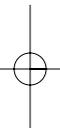
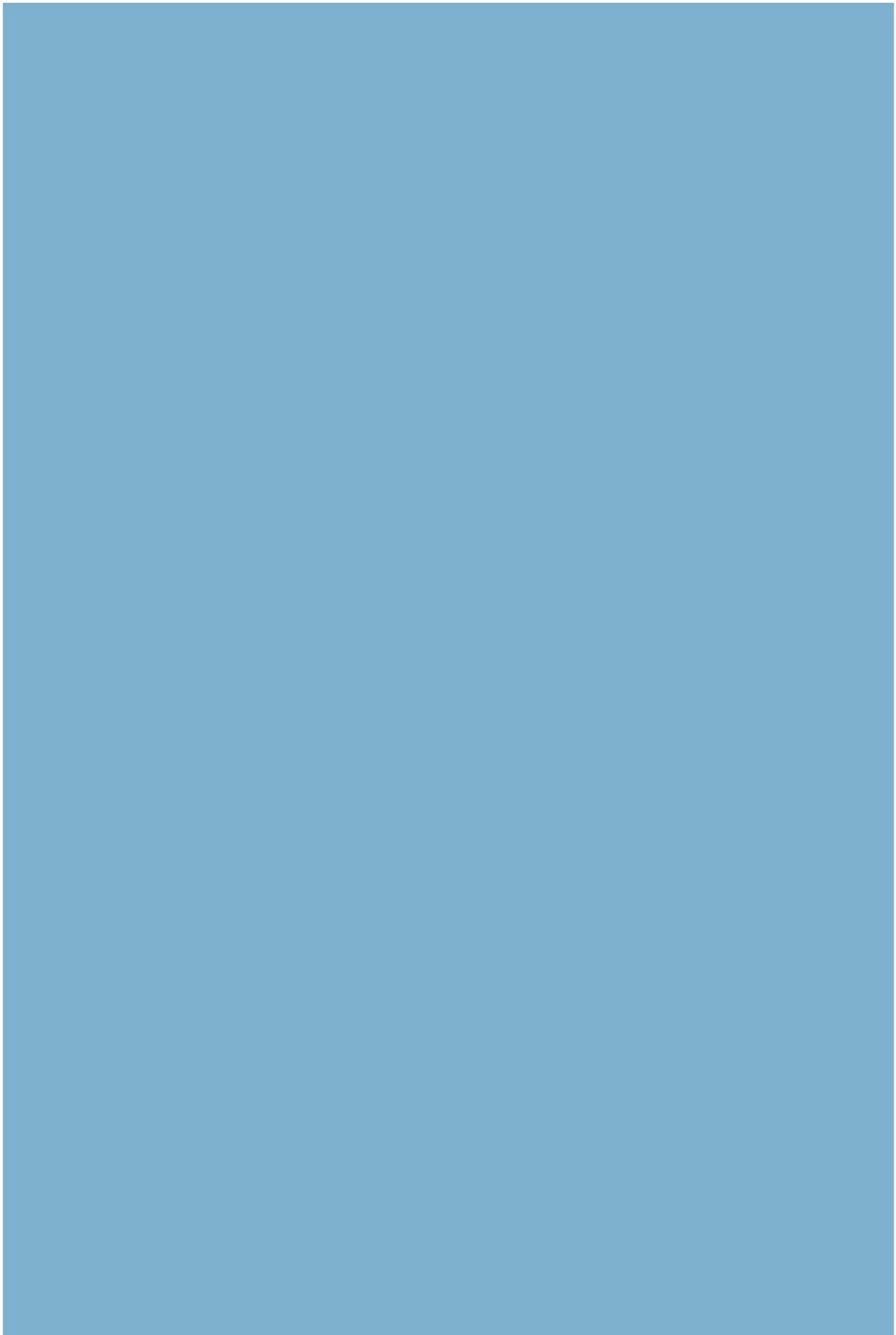




Federal Bar Association
Ninth Circuit Court of Appeals

Appellate Practice Workshop

October 25–26, 2006
United States Court of Appeals
7th and Mission Streets
San Francisco, California



What you will experience.

Writing a brief, with a personal critique from a Ninth Circuit Judge or experienced appellate practitioner.

The workshop will take place over two consecutive afternoons, to minimize interference with your practice. As part of the workshop, each participant is required to prepare and submit a brief for appellant or appellee. This is not a research exercise, but rather an exercise in effective writing by Ninth Circuit standards. A short list of case authorities is provided, along with an abbreviated administrative record of the proceedings. There is a ten-page (or 4,000-word) limit for your brief. A model appellant's brief is provided for those assigned to write an appellee's brief. All briefs are due by September 15, 2006. So the earlier you register, the more time you have. There is a \$50 discount for registration by August 22, 2006, and another \$50 discount for Federal Bar Association members.

Government, solo and public interest lawyers also receive a discount (see registration form).

The workshop and briefs will be based on a pre-selected case taken from an actual appellate proceeding that addresses an illegal alien's application for asylum. The Board of Immigration Appeals rejected the asylum claim, and the appellant in our exercise will be briefing the Petition seeking to reverse that decision. You may frame the issue(s) in whatever way you find most effective; that will be part of the critique.

You do not need any specialized knowledge of immigration law to participate. Each brief submitted is sent to a faculty member (a Ninth Circuit judge or experienced appellate practitioner) for review and critique before the workshop. At the workshop, a short critique session takes place between each participant and a faculty member.

On the first afternoon, panels of judges and practitioners will address brief-writing topics. Oral argument techniques will similarly be presented on the second after-

noon. In addition, as critiques are happening on the first day, “key players” from the Ninth Circuit’s staff (the Clerk, the Commissioner, the Chief Staff Attorney, and the Circuit Mediator) will present their suggestions for effective practice, within their units. This sort of “inside information” can be invaluable for effective appellate practice.

Finally, two experienced Ninth Circuit practitioners will actually argue the case to a panel of Ninth Circuit judges, and all participants (including the judges) will explain to you their expectations, goals and strategies. The judges will then engage in an actual “conference” and announce their ruling.

What you will learn.

Among other things, participants will learn: how to be concise without giving anything up; what judges expect from your arguments; and how to structure and organize an effective appellate brief. The advice is designed to be practical!

Who should attend.

The Appellate Practice Workshop is designed not only for those who handle appeals in immigration cases, but also for all private and public practitioners who currently appear in federal appellate courts, as well as for attorneys who want to prepare themselves for appellate practice. The program will review brief preparation, appellate writing skills, and oral advocacy, and will provide an insight into expectations and perspectives from the bench. Every appellate advocate can benefit from knowing how appellate judges view appellate lawyers.

MCLE credit.

California MCLE credit of 5.25 hours.

Faculty

United States Court of Appeals for the 9th Circuit

Chief Judge Mary M. Schroeder

Judge Richard R. Clifton

Judge Susan P. Graber

Judge Michael Daly Hawkins

Judge M. Margaret McKeown

Judge Sidney R. Thomas

Cole Benson

Supervising Paralegal

Claudia Bernard

Circuit Mediator

Cathy Catterson

Clerk of the Court

Susan Gelmis

Supervising Attorney of the Motions
and Pro Se Unit

Peter Shaw

Appellate Commissioner, U.S. Court
of Appeals for the Ninth Circuit

Additional Faculty

Laurel Beeler

U.S. Attorney's Office, San Francisco

Stephen P. Berzon

Altshuler, Berzon, Nussbaum,
Rubin & Demain

Jeffrey L. Bleich

Munger Tolles & Olson LLP

Additional Faculty (continued)

Margaret C. Crosby

ACLU of Northern California

Lucas Guttentag

ACLU, Immigrants Rights Project,
San Francisco

Steven A. Hirsch

Keker & Van Nest LLP

Pamela S. Karlan

Stanford Law School

Karin A. Kramer

Howrey LLP

Rory K. Little

University of California
Hastings College of the Law

Jenny S. Martinez

Stanford Law School

Kathleen Morris

San Francisco City Attorney's Office

Sharon L. O'Grady

Pillsbury Winthrop Shaw Pittman LLP

Edward Olsen

U.S. Attorney's Office, San Francisco

Sanford Svetcov

Lerach Coughlin Stoia Geller Rudman
& Robbins LLP

Marc L. Van Der Hout

Van Der Hout, Brigagliano
& Nightingale LLP

Barbara Valliere

U.S. Attorney's Office, San Francisco

Agenda

Wednesday, October 25, 2006

- 1:15pm **Registration**
Outside Courtroom 3, Ninth Circuit Court of Appeals, San Francisco
- 1:30pm **Keynote Address**
Chief Judge Mary M. Schroeder, U.S. Court of Appeals
for the Ninth Circuit
- 1:45-2:45pm **Brief-Writing Panel I:** General Discussion on Persuasive Brief-Writing, Reply Briefs, Ethics in Brief-Writing, Standards of Review, Statutory Interpretation
- 2:45-3:00pm Break
- 3:00-3:45pm **Brief-Writing Panel II:** Recurring or Serious Problems Observed in the Briefs Submitted by Program Participants
- 3:45-4:45pm **Individual Critique of Briefs Submitted/Brief Presentations by the Circuit VIPs**—A 15-minute individual critique by a faculty member of each participant's brief. A series of 15 minute presentations on issues for counsel in Ninth Circuit operations. These sessions are designed to provide participants to learn about the nuts-and-bolts operations of the Court before or after the individual critiques.

Thursday, October 26, 2006

- 1:15-2:15pm **Oral Argument Panel I:** Preparing and Presenting Arguments, Handling Questions, Ethical Issues
- 2:15-2:30pm Break
- 2:30-3:30pm **Oral Argument Panel II:** Model Oral Argument and Discussion—Oral argument from the insiders' perspective, including the panel's expectations and objectives prior to the argument, the attorneys' preview of their strategy, and the argument itself.
- 3:30-3:45pm Break
- 3:45-4:30pm **Oral Argument Panel II:** Model Oral Argument and Discussion (Continued)—The argument post-mortem, including the judges' post-argument conference and decision; panel discussion as to the success of failures of counsel's strategies, whether the Court's expectations were met; and questions from audience.
- 4:30-5:30pm **Wine and Hors D'Oeuvres Reception**

Brochures, programs and administrative assistance courtesy of Pillsbury Winthrop Shaw Pittman LLP.

